

**REMARKS**

Reconsideration of this application is respectfully requested in view of the foregoing amendment and the following remarks.

By the foregoing amendment, claims 1 and 6-9 have been amended. Claims 2-5 have been previously canceled. Thus, claims 1 and 6-9 are currently pending in the application and subject to examination.

In the outstanding Office Action, claims 1 and 6-9 were rejected under 35 U.S.C. §103(a), as being unpatentable over U.S. Patent No. 5,741,182 to Lipps et al. (hereinafter, "Lipps") in view of U.S. Patent No. 6,929,543 to Ueshima et al. (hereinafter, "Ueshima"), U.S. Patent No. 5,269,519 to Malone, and U.S. Patent No. 6,394,897 to Togami. It is noted that claims 1 and 6-10 have been amended. To the extent that the rejection remains applicable to the claims currently pending, the Applicant hereby traverses the rejection, as follows.

In the Applicant's invention as recited in independent claim 1, a first calculation circuit calculates a predicted return position of a ball returned by a player's opponent (e.g., a CPU player or another player). A judgment circuit judges whether a current position of the player is in a ball strikable range by comparing the predicted return position and the current position of the player. A ball striking position movement circuit automatically moves the ball striking position of the player to be approximated to the predicted return position in response to a negative judgment by the judgment circuit. Thus, in independent claim 1, when a player is judged to be out of a ball strikable range, the ball striking position movement circuit automatically moves the ball striking position of the player to approximately the predicted return position of the ball.

Similarly, in independent claim 6, as amended, a first calculation circuit calculates a predicted return position of a ball, and a judgment circuit judges whether a ball striking player is in a ball strikable range by comparing the predicted return position and a current position of the ball striking player. A ball striking position movement circuit automatically moves a ball striking position for the ball striking player to be approximated to the predicted return position in response to a negative judgment by the judgment circuit. Thus, in independent claim 6, when a ball striking player is judged to be out of a ball strikable range, the ball striking position movement circuit automatically moves the ball striking position of the ball striking player to approximately the predicted return position of the ball.

In rejecting independent claims 1 and 6, the Office Action asserts that the combination of Lipps, Ueshima and Malone discloses all of the features of independent claims 1 and 6 with the exception of a judgment circuit for judging whether a ball striking player is in a ball strikable range, and a ball striking position movement circuit for automatically moving a ball striking position of a player to be approximated to said predicted return position in response to a negative judgment by said judgment circuit. Togami is cited as allegedly curing the deficiencies that exist in the above combination.

In particular, the Office Action asserts that Togami discloses the claimed ball striking position movement circuit at col. 22, claim 5. The Applicants respectfully disagree. Togami teaches moving a player to a ball landing position to receive a ball when the player is within a predetermined successful receiving distance. If the player is not within the predetermined successful receiving distance, then game play either

continues normally, or an error of the game is displayed and the receiving process ends. See Togami, col. 13, lines 7-53 and cols. 21 and 22, for example.

As explained above, in the claimed invention, the ball striking position movement circuit automatically moves a ball striking position of a player to a predicted return position in response to a negative judgment by the judgment circuit. A negative judgment in the claimed invention occurs when a player is not within a ball strikable range. Togami does not disclose or suggest a ball striking position movement circuit that automatically moves a ball striking position of a player to a predicted return position when the player is judged not to be within a ball strikable range, as recited in independent claims 1 and 6.

Moreover, none of the applied art of record, nor any combination thereof, discloses or suggests at least the combination of a judgment circuit for judging whether a current position of said a player is in a ball strikable range by comparing said predicted return position and the current position of said player, and a ball striking position movement circuit for automatically moving a ball striking position of said player to be approximated to said predicted return position in response to a negative judgment by said judgment circuit, as recited in claims 1 and 6, as amended.

Therefore, modifying the combination of Lipps, Ueshima and Malone with the automatic movement means taught by Togami would not result in the invention as claimed.

To establish *prima facie* obviousness of a rejected claim, the applied art of record must teach or suggest each feature of a rejected claim. See *M.P.E.P.* §2143.03. As explained above, none of the applied art of record nor any combination thereof

discloses or suggests each and every feature recited in independent claims 1 and 6, as amended. Accordingly, the Applicant respectfully submits that independent claims 1 and 6 are neither anticipated nor rendered obvious by the applied art of record.

For at least these reasons, the Applicant submits that independent claims 1 and 6 are allowable over the applied art of record. As claims 1 and 6 are allowable, the Applicant submits that claims 7-9, which depend from claims 1 and 6, are likewise allowable for at least the reasons set forth above with respect to claims 1 and 6.

### **Conclusion**

For all of the above reasons, it is respectfully submitted that claims 1 and 6-9 are in condition for allowance and a Notice of Allowability is earnestly solicited.

Should the Examiner determine that any further action is necessary to place this application into better form, the Examiner is invited to contact the undersigned representative at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants hereby petition for an appropriate extension of time. The Commissioner is hereby authorized to charge any fee deficiency or credit any overpayment associated with this

communication to Deposit Account No. 01-2300 referencing client matter number  
100341-00054.

Respectfully submitted,

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Enclosure: Petition for Extension of Time (one month)